

40.85. TEXT AMENDMENT**40.85.05. Purpose.**

The purpose of a Text Amendment application is to provide a mechanism for legislative amendments to the Development Code. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in the law. This Section is carried out by the approval criteria listed herein.

40.85.10. Applicability.

The Text Amendment application shall apply to any change to Development Code text or diagrams.

40.85.15. Application.

There is a single Text Amendment application which is subject to the following requirements.

1. Text Amendment.

- A. Threshold. An application for Text Amendment shall be required when the following threshold applies:
 - 1. Any change to the Development Code, excluding changes to the zoning map.
- B. Procedure Type. The Type 4 procedure, as described in Section 50.50 of this Code, shall apply to an application for Text Amendment. Upon determination by the Director, the decision making authority shall be either the Planning Commission or the Board of Design Review. The determination will be based upon the proposal.
- C. Approval Criteria. In order to approve a Text Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Text Amendment application.

40.85.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.
4. The proposed text amendment is consistent with the City's Comprehensive Plan.
5. The proposed text amendment is consistent with other provisions within the City's Development Code.
6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for Text Amendment to the City's Development Code shall be initiated by the City Council, Mayor, the Director, or any interested person on a form provided by the Director and shall be filed with the Director. The Text Amendment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Appeal of a Decision. Refer to Section 50.75.

